

a consumer dispute in compliance with the FCRA.

**RESPONSE:**

**II. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS**

1. Admit or deny that Plaintiff did not give you permission to pull Plaintiff's credit reports.

**RESPONSE:**

2. Admit or deny you told Equifax and/or Trans Union that Plaintiff had given you permission to pull her credit report.

**RESPONSE:**

3. Admit or deny that you knew that pulling Plaintiff's credit reports would adversely affect Plaintiff's credit worthiness.

**RESPONSE:**

**III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents evidencing, relating, referencing, and/or involving communications between you and any of the other defendants which regarded or in any way referenced Plaintiff and/or any of Plaintiff's personal identifiers.

2. Produce all documents that reference, relate, and/or refer in any way to the Plaintiff.

3. Produce all documents evidencing, relating, referencing, involving and/or constituting communications between you and Plaintiff or anyone acting on or purporting to act

on Plaintiff's behalf.

4. Produce your policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures in pulling credit reports during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

5. Produce your policy manuals, procedure manuals, or other documents, which reference, constitute, evidence, and/or duplicate the Fair Credit Reporting Act (or any part thereof) and its revisions or amendments provided to your employees, during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

6. Produce your contract, documents, manuals or other recorded data, concerning your subscriber relationships with the other defendants and with any consumer reporting agency from which you pulled credit reports on Plaintiff.

7. Please produce your documents evidencing, referencing, constituting and/or containing your subscriber contracts, subscriber names, subscriber codes, personal identification numbers, reporting policies, means and procedures and/or access codes and specify what time periods such contracts, names, codes, personal identification numbers and/or access codes were used or made available to you by any party to this case.

8. Produce your documents which evidence, reference, relate, constitute and/or address your communications with Plaintiff or anyone acting on behalf of Plaintiff.

9. Produce your documents and/or correspondence in your, or your attorney's, possession that evidence, refer to, and/or relate to any facts which you believe may have any bearing upon this lawsuit or any defenses you have raised in this lawsuit, not to include letters between you and your attorney.

10. Produce copies of your documents evidencing, relating to, and/or referencing

telephone messages, log books and/or other regularly maintained records by you which contain information about communications between you and Plaintiff and/or any other defendant in this action and/or any consumer reporting agency or furnisher or government bureau or any Better Business Bureau.

11. Produce any and all documents which evidence, relate, and/or refer in any manner to the Plaintiff or any of Plaintiff's accounts.

12. Produce any and all documents identified, relied upon or referred to by you in your responses to Plaintiff's interrogatories.

s/Wesley L. Phillips  
Wesley L. Phillips (PHI053)  
Attorney for Plaintiff

OF COUNSEL:  
PHILLIPS LAW GROUP, LLC  
Post Office Box 130488  
Birmingham, Alabama 35213  
(205) 383-3585 - voice  
(800) 536-0385 - facsimile

**PLEASE SERVE ALONG WITH THE SUMMONS AND COMPLAINT.**



ELECTRONICALLY FILED  
8/2/2011 1:25 PM  
CV-2011-902740.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION

ROSALIND HUTCHINSON,

Plaintiff,

vs.

CAVALRY PORTFOLIO SERVICES, LLC;  
EXPERIAN INFORMATION SOLUTIONS,  
INC.; and EQUIFAX INFORMATION  
SERVICES, LLC;

Defendants.

Case No.: \_\_\_\_\_

**PLAINTIFF'S FIRST INTERROGATORIES, REQUEST FOR ADMISSIONS,  
AND REQUEST FOR PRODUCTION TO DEFENDANTS EQUIFAX INFORMATION  
SERVICES, LLC AND EXPERIAN INFORMATION SOLUTIONS, INC.**

COMES NOW Plaintiff Rosalind Hutchinson, by and through her undersigned counsel, and hereby requests that Defendants Equifax Information Services, LLC and Experian Information Solutions, Inc. (hereinafter, collectively, "you," "your," and/or "these Defendants"), answer the following interrogatories and requests for production of documents within the time required by the Alabama Rules of Civil Procedure. In addition, Plaintiff requests Defendant to attach a copy of each and every document referred to in any of the interrogatories or in Defendant's responses thereto or that Defendant states the date and time the said documents will be produced for inspection and copying at the offices of Plaintiff's attorney.

**NOTE:** These interrogatories shall be deemed continuing so as to require supplemental answers upon receipt of additional information subsequent to its original response.

**I. INTERROGATORIES:**

1. State whether your name correctly is stated in the complaint filed in

this case. If not, state the correct way this defendant should be designated as a party defendant in the named action at the time of occurrence made the basis of this lawsuit and at the time of response to these interrogatories.

**RESPONSE:**

2. State your corporate history, including the date and place of incorporation; whether you are qualified to do business in the State of Alabama, and, if so, the date first qualified; the address of its principal place of business; and the full names of any and all subsidiaries, divisions, sister corporations, parent corporations, successors, assigns and other like entities.

- a. State the address of all business locations of this Defendant;
- b. Describe the nature of this Defendant's business.

**RESPONSE:**

3. Identify the names, addresses, and telephone numbers of all persons who were witness to or who have personal knowledge of any of the facts, events, or matters that are alleged in Plaintiff's complaint, your answer, anticipated answer and/or defenses thereto and describe and explain your understanding of the matters on which the persons named have knowledge. In addition to identifying said individuals as specified in the instructions above, please include the following:

- (a) Please state whether each such person is affiliated with, or related to, or employed by any party (or its agents, servants, officers, or employees) to this lawsuit;

(b) If any of the persons so listed in response to this interrogatory do not fit the characterization in subpart (a) above, please describe the nature of their involvement in this lawsuit;

(c) Please explain and describe your understanding of their knowledge of such facts.

**RESPONSE:**

4. Identify all correspondence or documents that refer or relate to any correspondence or communication between you and any other defendant in this action, as well as any potential credit grantors or mortgage grantors relating or referring to the Plaintiff, facts, acts, events, or matters alleged in Plaintiff's complaint, or your answer, anticipated answer and/or defenses thereto.

**RESPONSE:**

5. Please state whether you received any requests from Defendant Equable Ascent Financial related to pulling Plaintiff's credit reports, and in connection with your response, please identify the dates of such requests, the manner of the requests, the identifying data connected with the requests, and explain and describe the reasons you allowed Defendant Equable Ascent Financial to have access to Plaintiffs' credit reports.

**RESPONSE:**

6. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name

called, designed to assure the maximum possible accuracy of the information in your consumer credit database and consumer reports you issued and to ensure credit pulls are only allowed when the company desiring to make the pull has a permissible reason.

**RESPONSE:**

7. If any document that is or would have been responsive to Plaintiff's Requests for Production of Documents to you was destroyed, lost, mislaid, or otherwise missing, identify the document, state the date of and reason for its destruction, and identify all persons having knowledge of its contents and/or the reason for its destruction.

**RESPONSE:**

8. Identify all documents in your possession that you claim are privileged, identifying the types of documents, dates of documents, subject matter of the documents, authors and recipients of the documents, and the applicable privilege.

**RESPONSE:**

9. If any document responsive to Plaintiff's Request for Production of Documents to you is withheld from production, identify each such document by date, title, subject matter, length and the request to which it is potentially responsive and state the reason for withholding production, and identify each person to whom the document was sent, shown, or made

accessible, or to whom it was explained.

**RESPONSE:**

10. Please list, explain and describe documents known to you or believed by you to exist concerning any of the events described in Plaintiff's complaint or concerning any of the events which are the subject(s) of any defense(s) you have raised to this lawsuit.

**RESPONSE:**

11. If your answer to any Request for Admission is anything other than an unqualified "Admit," explain in detail each and every reason for your answer to each Request for Admission that you did not give an unqualified admission, identifying all persons and documents.

**RESPONSE:**

12. State the name and address of each and every witness expected to be called at the trial of this action.

**RESPONSE:**

13. State the name and address of each and every expert witness expected to be called at the trial of this action. Include in your answers any and all opinions, and the basis for such opinions, upon which each and every expert will be called to testify and the qualifications of each expert.



**RESPONSE:**

14. State the name, address, phone number, and employer of each and every person known by you to have any knowledge whatsoever of matters related, referencing, or pertaining to the events made the basis of this lawsuit.

**RESPONSE:**

15. State whether, in the past ten years, you have been named a party defendant in any other lawsuit involving claims or allegations you violated the Fair Credit Reporting Act (15 U.S.C. §1681, et. seq.) with regard to properly conducting an investigation of a disputed account and/or improperly reporting accounts. If so, state the name of the lawsuit, the civil action number and the court where the action was filed.

**RESPONSE:**

16. State whether, in the past ten (10) years, you have been involved in any other legal action, either as a defendant or a plaintiff where allegations were raised concerning improper use of personal or financial data or credit report access issues were involved? If so, please state:

- a) The date and place each such action was filed identifying the other party or parties involved, the docket number of such actions, and the names of the attorneys representing each party;
- b) A description of the nature of each such action; and
- c) The result of each such action whether there was an appeal, and the result of the

appeal, and whether such case was reported and the name, volume number, and page citation of the report.

**RESPONSE:**

17. State and fully describe the maintenance of all procedures utilized by you to avoid violation of the Fair Credit Reporting Act, including, but not limited to, all documents regarding this Defendant's compliance or noncompliance with the FCRA.

**RESPONSE:**

18. State your policies and procedures and identify the name or title of said policy and procedure as well as any and all manuals, reference books, of memorandums by whatever name called, for the purpose of conducting a proper and reasonable investigation or re-investigation of a consumer dispute in compliance with the FCRA.

**RESPONSE:**

**II. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS**

1. Admit or deny that you followed all policies and procedures for allowing Defendant Cavalry Portfolio Services to pull Plaintiff's credit reports.

**RESPONSE:**

2. Admit or deny you intended that other persons or entities would see the credit pulls by Defendant Cavalry Portfolio Services if such other persons or entities reviewed Plaintiff's credit report maintained by you.

**RESPONSE:**

3. Admit or deny the credit pulls by Defendant Cavalry Portfolio Services do not improve Plaintiff's credit history.

**RESPONSE:**

4. Admit or deny the credit pulls by Defendant Cavalry Portfolio Services lower Plaintiff's credit score using your credit scoring formula.

**RESPONSE:**

5. Admit or deny you have not yet deleted the inquiries of Cavalry Portfolio Services from Plaintiff's credit reports.

**RESPONSE:**

6. Admit or deny that as of the date this lawsuit was filed you had not yet deleted the inquiries of Cavalry Portfolio Services from Plaintiff's credit reports.

**RESPONSE:**

7. Admit or deny the Plaintiff does not have a choice on whether you will maintain a credit report on her.

**RESPONSE:**

**III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents evidencing, relating to, and/or involving communications between you and any of the other defendants, in which the communication in any way referenced Plaintiff and/or any of Plaintiff's personal identifiers.

2. Produce each and every document that refers to the plaintiff.

3. Please produce all documents evidencing, relating to, and/or involving or

constituting communications between you and the plaintiff or anyone acting on or purporting to act on the plaintiff's behalf.

4. Please produce your policy manuals, procedure manuals, or other documents, which address your policies, practices or procedures in allowing credit pulls during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

5. Please produce your policy manuals, procedure manuals, or other documents, which reference, constitute or duplicate the Fair Credit Reporting Act (or any part thereof) and its revisions or amendments provided to your employees, during each of the years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010.

6. Please produce your contract, documents, manuals, and/or all recorded data in whatever medium or form concerning your subscriber relationships with all other defendants.

7. Please provide a complete audit trail of any document(s), computer(s), or other data held by you which indicate, address, and/or discuss modifying and/or amending any information regarding Plaintiff reported by you.

8. Please produce your documents evidencing, relating, referencing, constituting and/or containing your subscriber contracts, subscriber names, subscriber codes, personal identification numbers, reporting policies, means and procedures and/or access codes and specify what time periods such contracts, names, codes, personal identification numbers and/or access codes were used or made available to you by any party to this case.

9. Please produce your documents which evidence, relate, reference, constitute and/or address your communications with Plaintiff or anyone acting on behalf of Plaintiff.

10. Please produce all documents and/or correspondence in your, or your attorney's, possession that refer to or relate to any facts which you believe may have any bearing upon this

lawsuit or any defenses you have raised in this lawsuit, not to include any privileged letters between you and your attorney.

11. Please produce copies of your documents evidencing, relating, referencing, constituting and/or containing telephone messages, log books or other regularly maintained records by you which contain information about communications between you and Plaintiff and/or any other defendant in this action and/or any consumer reporting agency or furnisher or government bureau or any Better Business Bureau.

12. Please produce all documents in your custody, control, or possession evidencing, relating, referencing, constituting and/or which refer in any manner to Plaintiff or any of Plaintiff's accounts.

13. Please produce any and all documents identified, relied upon, and/or referred to by you in your responses to Plaintiff's interrogatories.

s/Wesley L. Phillips  
Wesley L. Phillips (PHI053)  
Attorney for Plaintiff

OF COUNSEL:  
PHILLIPS LAW GROUP, LLC  
Post Office Box 130488  
Birmingham, Alabama 35213  
(205) 383-3585 - voice  
(800) 536-0385 - facsimile

**PLEASE SERVE ALONG WITH THE SUMMONS AND COMPLAINT.**



ELECTRONICALLY FILED

8/2/2011 1:25 PM

CV-2011-902740.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

ANNE-MARIE ADAMS, CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

ROSALIND HUTCHINSON,

Plaintiff,

vs.

Case No.: \_\_\_\_\_

CAVALRY PORTFOLIO SERVICES, LLC;  
EXPERIAN INFORMATION SOLUTIONS,  
INC.; and EQUIFAX INFORMATION  
SERVICES, LLC;

Defendants.

**SUMMONS**

This service of this summons is initiated upon the written request of Plaintiff's attorney pursuant to the Alabama Rules of Civil Procedure.

**NOTICE TO:** Calvary Portfolio Services, LLC  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, Alabama 36104

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to PHILLIPS LAW GROUP, Attorneys for the Plaintiffs, P.O. Box 130488, Birmingham, Alabama 35213. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE DELIVERY OF THIS SUMMONS AND COMPLAINT OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward. The Clerk's address is: Circuit Clerk of Jefferson County, 716 Richard Arrington Blvd North, Room 400, Birmingham, Alabama 35203.

\_\_\_\_\_  
Clerk of Court

Dated: \_\_\_\_\_

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**EQUIFAX INFORMATION SERVICES, LLC****150 S. PERRY STREET  
MONTGOMERY, AL 36104****COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

Robert Harris

C. Date of Delivery

8/4/11

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

D002

CV-2011-902740Stc

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7010 2780 0002 8184 6150





**Dennis W. Key, SRA**  
**Key & Company, Inc.**  
**P.O. Box 13**  
**108 18th Street East**  
**Jasper, AL 35502**

**Client:**

**Mr. Mike Gregory, Atty. - 205-978-3278**  
 Ferguson, Frost & Dodson, LLP  
 2500 Acton Rd Ste 200  
 Birmingham, AL 35243

**Property Time Sheet on:**

Invoice Date 09/01/11  
 Invoice # 11C036-cc-1  
 Subject Property Westerman Properties LLC (Dr. Jan Westerman)  
 Address 1280 Summit Drive  
 Jasper, AL 35501  
 Tax ID - 64 17 01 11 4 401 013.000  
 Internal Case # 11C036-cc  
 Case#:

**For Reference Only: N/A**

Inspection Date 08/16/11  
 11 AM - 12:15PM On-Site

Primary Appraiser	Rate/Hr	Rate/Mi.		
Dennis W. Key, SRA	\$150.00	0.55		Notes
Date	Hours	Miles		
08/16/11	1.5	3		Initial Inspection & Travel Time & Lunch Meeting
08/19/11	1.25			Sketch
08/29/11	3			Working on Research & Analysis
08/30/11	5			Working on Research & Analysis - Called Mike for estimate of repair
08/31/11	1.5			Working on Research & Analysis -
09/01/11	0			Notofied by Client Case had Settled - Stopped

Hours Billed - Primary Appraiser:  
 Hours Billed - Clerical/Research Assistant

12.25	Total Miles	3
0.2		0

**ALLOCATED AS:**

Clerical/Research Assistant \$8.00  
 Primary Appraiser \$1,837.50  
 Property Data Access/CRS/MLS/Deed Retrieval \$15.00

**Total - \$1,860.50 \$1.65 \$1,862.15**

**SUB-TOTAL DUE \$1,862.15**  
**\$0.00**

**TOTAL DUE \$1,862.15**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**EXPERIAN INFORMATION SOLUTIONS, INC.****2 NORTH JACKSON STREET  
SUITE 605****MONTGOMERY, AL 36104****COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Alissa Page*☐ Agent☐ Addressee

B. Received by (Printed Name)

*Alissa Page*

C. Date of Delivery

*8/10/11*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No*Doos*

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

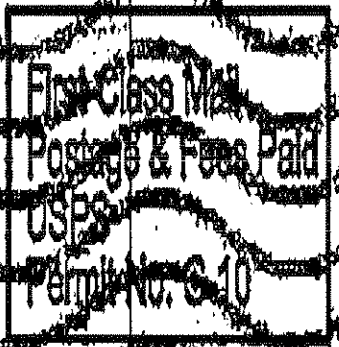
2. Article Number

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**7010 2780 0002 8184 6167**

UNITED STATES POSTAL SERVICE

09 AUG 2011 PM 11



**FILED IN OFFICE**

**AUG 10 2011**

**ANNE-MARIE ADAMS  
CLERK**

• Sender Please print your name, address, and ZIP+4 in this box •

ANNE-MARIE ADAMS, CLERK  
JEFFERSON COUNTY CIRCUIT COURT  
CIVIL DIVISION - ROOM 400  
716 NO. RICHARD ARRINGTON BLVD  
BIRMINGHAM, ALABAMA 35203

101



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**CAVALRY PORTFOLIO SERVICES, LLC****2 NORTH JACKSON STREET  
SUITE 805****MONTGOMERY, AL 36104****COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

X

8/4/11

D. Is delivery address different from item 1?

☐ Yes

if YES, enter delivery address below:

☐ No

Doo!

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7010 2780 0002 8184 6143

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

ANNE-MARIE ADAMS, CLERK  
JEFFERSON COUNTY CIRCUIT COURT  
CIVIL DIVISION - ROOM 400  
716 NO. RICHARD ARRINGTON BLVD  
BIRMINGHAM, ALABAMA 35203

**ANNE-MARIE ADAMS  
CLERK**

**AUG 10 2011**

# ED IN OFFICE

100

\_\_\_\_\_